

OREGON STATE BAR

Board of Governors Agenda

Meeting Date: April 12, 2019
From: Amber Hollister, General Counsel
Re: CSF Claim No. 2019-70 Deveny (Minard)

Action Requested

Consider Client Security Fund Committee's recommendation that the board grant claimant Rosemary Minard's claim of \$5,666.67 in the matter of CSF Claim No. 2018-83 Deveny (Minard).

Discussion

Claimant Minard hired Ms. Deveny on October 14, 2013 to represent her in obtaining damages for injuries sustained in a motor vehicle accident in a Costco parking lot. She agreed to a contingent fee agreement, in which Ms. Deveny was to receive one-third of the settlement. She never received a copy of the written fee agreement from Ms. Deveny.

In January 2015, Ms. Deveny settled the case for \$8,500, plus payment of outstanding medical bills. Ms. Minard was aware of a \$5,000 payment from American Family Insurance Group; she later learned that Ms. Deveny also settled a claim with Safeco Insurance for an additional \$3,500, without Ms. Minard's knowledge or consent.

Ms. Deveny resigned Form B, effective July 26, 2018, while numerous disciplinary cases were pending. In 2018, Ms. Minard was under the impression her case was still pending until the Portland Police Department contacted her about Ms. Deveny's alleged theft. Some of Ms. Minard's medical bills have been paid, but some remain outstanding; Ms. Minard did not receive any of her settlement proceeds from Ms. Deveny.

At its March 2018 meeting, the Client Security Fund Committee reviewed Ms. Minard's claim and unanimously voted to recommend that the Board reimburse her for \$5,666.67 of her loss (2/3 of \$8,500). Ms. Minard's claim would not ordinarily be eligible for reimbursement at this time, pursuant CSF Rule 2.1.6, because Ms. Deveny has not been found guilty of a crime and Ms. Minard has not obtained a civil judgment against her. The Committee, however, voted to waive the requirement of CSF Rule 2.1.6 based on extreme hardship under CSF Rule 2.6, based upon her circumstances and the available evidence.

Staff recommends that the board approve the claim, consistent with the CSF Committee's recommendation.